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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA,
SAN FRANCISCO DIVISION

MARTIN KAUFMAN, IREATHA DIANE
MITCHELL, ROSEMARY SCHENK, and
LEMUEL SCHENK, individually and on behalf
of all others similarly situated,

Plaintiffs,

vs.

AIR NEW ZEALAND, LTD.; ALL NIPPON
AIRWAYS CO. LTD.; CATHAY PACIFIC
AIRWAYS, CHINA AIRLINES, LTD; EVA
AIRWAYS CORP., JAPAN AIRLINES
CORP., MALAYSIA AIRLINES,
NORTHWEST AIRLINES CORP., QANTAS
AIRWAYS, LTD, SINGAPORE AIRLINES,
LTD; THAI AIRWAYS INTERNATIONAL
PUBLIC COMPANY, LTD., UNITED
AIRLINES,

Defendants.

CASE NO. CV-07-6417 (JL)

**STIPULATION RE EXTENSION OF
TIME FOR DEFENDANT EVA
AIRWAYS CORP. TO RESPOND TO
COMPLAINT**

THE HONORABLE JAMES LARSON

1 WHEREAS the undersigned plaintiffs have filed the above-captioned case;

2 WHEREAS plaintiffs allege antitrust violations by defendant airlines in the sale of
3 passenger air transportation services containing transpacific flight segments;

4 WHEREAS multiple complaints have been filed to date in federal district courts
5 throughout the United States by plaintiffs purporting to bring class actions on behalf of purchasers of
6 passenger air transportation services containing transpacific flight segments (collectively “the
7 Transpacific Air Passenger cases”);

8 WHEREAS, a motion is pending before the Judicial Panel on Multidistrict Litigation
9 to transfer the Transpacific Air Passenger cases to this jurisdiction for coordinated and consolidated
10 pretrial proceedings pursuant to 28 U.S.C. Section 1407;

11 WHEREAS plaintiffs anticipate the possibility of filing a Consolidated Amended
12 Complaint in the Transpacific Air Passenger cases;

13 WHEREAS plaintiffs and EVA Airways Corp. have agreed that an orderly schedule
14 for any response to the pleadings in the Transpacific Air Passenger cases would be more efficient for
15 the parties and for the Court;

16 PURSUANT TO LOCAL RULE 6-1(a), PLAINTIFFS AND DEFENDANT EVA
17 AIRWAYS CORP., BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD,
18 HEREBY STIPULATE AS FOLLOWS:

19 1. The deadline for EVA Airways Corp. to answer, move, or otherwise respond
20 to plaintiffs’ Complaint shall be extended until forty-five days after the filing of a Consolidated
21 Amended Complaint in the Transpacific Air Passenger cases, or such other times as the parties may
22 jointly agree to in writing.

23 2. This Stipulation does not constitute a waiver by EVA Airways Corp. of any
24 defense, including but not limited to the defenses of lack of personal jurisdiction, subject matter
25 jurisdiction, improper venue, sufficiency of process or service of process.

26 3. This extension is available, without further stipulation with counsel for
27 plaintiffs, to all named defendants who notify plaintiffs in writing of their intention to join this

1 Stipulation.

2 IT IS SO STIPULATED.

3 DATED: February 5, 2008

4 By

/s/ Lauren C. Russell

Mario N. Alioto

Lauren C. Russell

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LLP**

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*Attorneys for Plaintiffs Martin Kaufman, Ireatha
Diane Mitchell, Rosemary Schenk, and Lemuel
Schenk*

12 DATED: February 5, 2008

/s/Christopher T. Casamassima (by permission)

Christopher T. Casamassima

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Attorney for Defendant EVA Airways Corp.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 5th day of February 2008, the foregoing Stipulation Re: Extension of Time for Defendant EVA Airways Corp. to Respond to Complaint was electronically filed and served on all parties via ECF, and is available for viewing and downloading from the ECF system.

/s/ Lauren C. Russell
Lauren C. Russell

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